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15 Attorneys for Defendants A.G. Spanos
16 Construction, Inc.; A.G. Spanos
17 Development, Inc.; A.G. Spanos
18 Land Company, Inc.; A.G. Spanos
19 Management, Inc., The Spanos Corporation

20 IN THE UNITED STATES DISTRICT COURT
21 FOR THE NORTHERN DISTRICT OF CALIFORNIA

22 National Fair Housing Alliance, Inc., et al.,) CASE NO. C07-03255-SBA
23)
24 Plaintiffs,) [PROPOSED] ORDER GRANTING
25) A.G. SPANOS CONSTRUCTION,
26 vs.) INC.; A.G. SPANOS DEVELOPMENT,
27) INC.; A.G. SPANOS LAND
28 A.G. Spanos Construction, Inc., et al.) COMPANY, INC.; A.G. SPANOS
29) MANAGEMENT, INC., AND THE
30 Defendants.) SPANOS CORPORATION'S MOTION
31) TO STRIKE VARIOUS CLAIMS FOR
32) RELIEF SOUGHT IN PLAINTIFFS'
33) FIRST AMENDED COMPLAINT

34 Hearing Date: February 26, 2008
35 Time: 1:00 p.m.
36 Dept.: Courtroom 3

37 Complaint Filed: June 20, 2007

38 The motion of Defendants A.G. Spanos Construction, Inc., A.G. Spanos
39 Development, Inc., A.G. Spanos Land Company, Inc., A.G. Spanos Management, Inc., and
40 The Spanos Corporation, appearing through counsel, for an order striking various claims for
41 relief sought in Plaintiffs' first amended complaint, came on regularly for hearing on February
42 26, 2008, at 1:00 p.m., in Courtroom 3 in the above-entitled court, located at 1301 Clay

1 Street, 3rd Floor, Oakland, California, the Honorable Sandra Brown Armstrong presiding.
2 Lee Roy Pierce, Jr. and Thomas H. Keeling appearing on behalf of Defendants, and Michael
3 Allen appearing on behalf of Plaintiffs.

4 Having read and considered the documents submitted in support of and in opposition to
5 the motion and the arguments of counsel, and good cause appearing therefor, the Court rules as
6 follows: (1) plaintiffs' request for compensatory damages is stricken because, as a matter of
7 law, the allegations of the First Amended Complaint do not support a recovery of
8 compensatory damages by these plaintiffs; (2) plaintiffs' request for punitive damages is
9 stricken because, as a matter of law, the allegations of the First Amended Complaint do not
10 support a recovery of punitive damages by these plaintiffs; (3) plaintiffs' request for injunctive
11 relief regarding all apartments previously built is stricken because plaintiffs have failed to state
12 a claim upon which such relief can be granted; (4) those portions of plaintiffs' First Amended
13 Complaint that seek relief barred by the statute of limitations are stricken; and (5) plaintiffs'
14 claim for relief based on the "untested" and "unknown" properties is stricken because
15 plaintiffs could not have suffered injury caused by testing untested or unknown properties. For
16 these reasons,

17 IT IS HEREBY ORDERED that the motion to strike portions of plaintiffs' First
18 Amended Complaint is granted.

19
20 Dated: _____, 2008

Honorable Sandra Brown Armstrong
United States District Judge